

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 13-SC-3003 RHK/FLN

United States of America,)
<u>ex rel.</u> Kipp Fesenmaier,)
)
Plaintiffs,)
)
v.)
)
Sightpath Medical, Inc.,)
TLC Vision Corporation,)
The Cameron-Ehlen Group, Inc.,)
dba Precision Lens,)
Minnesota Eye Consultants P.A.,)
David Dillman,)
Paul Ehlen,)
Todd Gavin,)
Jeffrey Ketcham,)
Paul Kuck,)
Daniel Lange,)
Monte Leidenix,)
Richard Lindstrom,)
Michael Merck,)
Anthony Novak,)
Gregory Osmundson,)
Jitendra Swarup,)
Vance Thompson,)
Christopher Wallyn,)
David West, and)
Darrell Williams,)
)
Defendants.)

ORDER

The United States having intervened in part of this action and having declined to intervene in part of this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the Court rules as follows:

IT IS ORDERED that,

1. the relator's amended complaint, the Government's Notice of Election to Intervene in Part and to Decline to Intervene in Part, and this Order be unsealed;

2. the United States serve its Complaint upon defendants The Cameron-Ehlen Group, Inc., dba Precision Lens, Paul Ehlen, and Jitendra Swarup, together with this Order, within 90 days;

3. the relator serve his amended Complaint upon these defendants within 90 days;

4. all other papers or Orders on file in this matter shall remain under seal;

5. the seal be lifted on all other matters occurring in this action after the date of this Order;

6. as to the part of the action in which the United States has declined to intervene, the parties shall serve all pleadings and motions filed in that part of the action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3). The United States may order any deposition transcripts and is entitled to intervene in that part of the action, for good cause, at any time;

7. all orders of this Court shall be sent to the United States; and that

8. should the relator or the defendants propose that the part of the action in which the United States has declined to intervene be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval.

IT IS SO ORDERED.

This 18th day of August, 2017.

s/Paul A. Magnuson
PAUL A. MAGNUSON
UNITED STATES DISTRICT JUDGE